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TO BE PRINTED

Supreme Court, U.S.
FILED
DEC 27 199
OFFICE OF THE CLERK

NO. 93-735

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

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N. WALTER GOINS,

Petitioner,

v.

DALE W. LANG, ET AL.,

Respondents.

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ON PETITION FOR WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

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[redacted] TO SUPPLEMENT [redacted]

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Albert Turner Goins, Sr.
Counsel of Record
2311 Wayzata Boulevard
Minneapolis, MN 55405
(612) 374-5858
Counsel for Petitioner
N. Walter Goins

PETITIONER'S MOTION TO SUPPLEMENT THE RECORD

1. Petitioner, N. Walter Goins, by his undersigned counsel of record, pursuant to Supreme Court Rule 21, hereby moves the Court to allow him to supplement the record with regard to his Petition for Writ of Certiorari in No. 93-735.

2. Specifically, Petitioner seeks to include in the record before this Court true and correct copies of an original stamped copy of a document filed by Petitioner in the United States District Court for the District of Minnesota which is date-stamped April 08, 1992.

3. Petitioner submits that there exists requisite good cause to supplement the record before this Court in light of the argument of counsel for Respondents at page 25 of their Brief in Opposition: "[that] there is nothing in the record to indicate what the District Court's docket contains or omits or whether such an omission had any consequence. There is no evidence of record that the docket below was erroneous." Opp. Br. of Resp. at 25.

4. Counsel for Petitioner has argued that the docket below is erroneous, and submits a true and correct copy of the relevant document to be lodged with the Clerk of this Court. Counsel will, upon the request of the Court, submit the original stamped copy, if required.

WHEREFORE, Petitioner, N. Walter Goins, respectfully moves the Court to enter an Order permitting him to supplement the record in this case.

Dated: Dec. 21, 1993

By: Albert Turner Goins

Albert Turner Goins, Sr.
Counsel of Record
2311 Wayzata Boulevard
Minneapolis, MN 55405
(612)374-5858 tel.
Counsel for Petitioner
N. Walter Goins.

AFFIDAVIT

I, Albert Turner Goins, Sr., a member of the bar of the United States Supreme Court do solemnly swear that the attached document ("Affidavit of Damages") is a true and correct copy of an original stamped copy of a document maintained by me in my files, which original document was filed on the date shown thereon in and with the office of the clerk of court for the United States District Court for the District of Minnesota, Fourth Division at Room 514 U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minnesota 55401 on the Eighth day of April, 1992.

This statement is made in support of Petitioner's Motion to Supplement the Record in United States Supreme Court Docket No. 93-735, N. Walter Goins v. Dale W. Lang, et al., On Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit.

Dated: 12/21/93

Albert Turner Goins, Sr.

Albert Turner Goins, Sr.

Subscribed to and sworn before me by Albert Turner Goins, Sr. who appeared personally before me this 21 day of December, 1993 at Minneapolis, Minnesota.

NOTARY PUBLIC.

DEANNA M. ROHE
NOTARY PUBLIC—MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES 7-6-95

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MINNESOTA

FOURTH DIVISION

FILED
APR 09 1992
CLERK, U.S. DIST. COURT
MINNEAPOLIS MN

N. Walter Goins,

Plaintiff,

vs. Case No.4-92cv154(HHM)

Dale W. Lang, et al.,

Defendants.

Plaintiff's

Affidavit

of Damages.

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1. Pursuant to the Rule 55 of the Federal Rules of Civil Procedure, Albert Turner Goins, Sr., as counsel for Plaintiff, N. Walter Goins, submits this affidavit of damages and the amount due in support of Plaintiff's request to the clerk of this Court for an entry of judgement by default against defendants Syndicated Communications, Inc. and Broadcast Capital, Inc. in the above-styled case, No.

4-92cv154(HH: Defendants Syndicated Co mn'cations, Inc., and Broadcast Capital, Inc. (hereinafter "Syndicated" and "Broadcap", respectively) have acknowledged service of the summons and complaint in this proceeding. Copies of said acknowledgements are made a part of this affidavit. Syndicated and Broadcap were served and acknowledged service no later than March 17, 1992. Defendants Syndicated and Broadcap have failed to answer or defend in this matter as required by law, statute and rule.

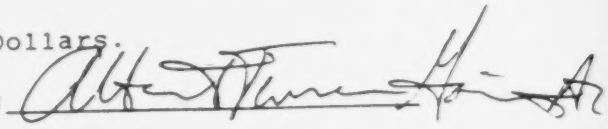
2. Plaintiff, N. Walter Goins, by his complaint demanded damages from the defendants Syndicated and Broadcap in the threefold amount of $2,138,500.00 [3x Two Million One Hundred Thirty-Eight Thousand Five Hundred Dollars=Six Million Four Hundred Fifteen Thousand Five Hundred Dollars], and further damages in the threefold amount of $1,400,000.00 [3x One Million Four Hundred Thousand Dollars=Four Million Two Hundred Thousand Dollars], and plaintiff demanded additional damages in the amount of $2,138,500.00 [Two Million One Hundred Thirty-Eight Thousand Five Hundred Dollars]; for a total amount of **$12,754,000.00 [Twelve Million Seven Hundred Fifty-four Thousand Dollars]** total plus legally allowed interest from the date of entry of judgement.

3. Plaintiff's attorney hereby states pursuant to Rule 55 of the Fed. R. Civ. P and title 28 U.S.C. §1746 that the amount

owed by the defendants Syndicated Communications, Inc. and Broadcast Capital, Inc., severally and/or jointly is $12,754,000.00 [Twelve Million Seven Hundred Fifty-four Thousand Dollars.]

4. Plaintiff, N. Walter Goins, therefore, requests by his counsel, that judgement be entered for him according to law against defendants Syndicated Communications, Inc., and judgement be entered against defendant Broadcast Capital, Inc., for the amount of Twelve Million Seven Hundred Fifty-four Thousand and no/100ths Dollars.

Dated: April 8, 1992

BY: 

ALBERT TURNER GOINS

Atty. No. 126159X.

Albert T. Goins
Attorney for Plaintiff,
N. Walter Goins, III
1729 East County Road D
Maplewood, MN 55109-5305
(612) 777-4757 ph.

Stat[illegible]t in of Albert Turner G[illegible]h[illegible], Sr.

pursuant to title 28 U.S.C. 1746.

1. I, Albert Turner Goins, Sr., am an attorney duly admitted to practice in this federal district court. I am attorney for plaintiff, N. Walter Goins in case number 4-92cv154(HHM) in which defenants Syndicated Communications, Inc. and Broadcast Capital, Inc. were served with a summons and complaint. Said service was properly acknowledged by defendants Syndicated communications, Inc. and Broadcast Capital, Inc. no later than March 17, 1992, and said defendants have failed to defend in this matter within the time prescribed by law or within twenty days.

2. Attached are true and correct copies of the acknowledgements of defendants Syndicated Communications, Inc. and Broadcast Capital, Inc. made pursuant to Rule 4 of the Federal Rules of Civil Procedure.

3. These statements are made under penalty of perjury on the date hereafter.

Dated: April 8, 1992.

By: Albert Turner Goins, Sr.

Albert Turner Goins

I, Albert T. Goins, Sr., a member of the bar of the United States Supreme Court hereby certify that I served on this 21 day of December, 1993 three (3) copies of Petitioner's Motion to Supplement the Record with attached Affidavit and document in Goins v. Lang, United States Supreme Court Docket No. 93-735 upon each of the counsel listed below pursuant to Rule 29 of the Supreme Court Rules via United States First Class mail, postage prepaid to:

Michael D. Hays, Esq.
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Drew Days, III
Office of the Solicitor General
Department of Jusice
Washington, DC 20530

dated: 12/21/93

Albert T. Goins, Sr.